

From: [Talton, Anthony](#)
To: [Ragon, Derek](#)
Cc: [Flemming, Tongee](#)
Subject: FW: Proactive posting records for FOIA requests
Date: Wednesday, September 13, 2017 9:07:56 AM

Good Morning Derek,
Reference below, would you please advise of your availability to discuss today? THANKS!
Tony Talton, Chief
Revitalization and Resources Branch
Environmental Protection Agency, Region 6
1445 Ross Ave.
Dallas, Texas 75202
Phone: (214) 665-7205
Cell: (972) 415-6173

Begin forwarded message:

From: "Harrison, Ben" <Harrison.Ben@epa.gov>
Date: September 12, 2017 at 9:38:31 AM CDT
To: "Ragon, Derek" <Ragon.Derek@epa.gov>, "Ford, Mark" <Ford.Mark@epa.gov>
Cc: "Quinones, Edwin" <quinones.edwin@epa.gov>, "Peycke, Mark" <Peycke.Mark@epa.gov>, "Patrick, Dwayne" <Patrick.Dwayne@epa.gov>, "Ortiz, Diana" <Ortiz.Diana@epa.gov>
Subject: RE: Proactive posting records for FOIA requests

Thanks Derek. I appreciate that this isn't our first rodeo and the experience we have in Region 6 has helped establish a process we know to work. But there are many in HQ (not to mention my boss) who have never been involved in a disaster and records management of the scope we expect here. Their involvement is dictated from the top so not sure there is much we can do other than find a way to cooperate without upsetting our established process.

From: Ragon, Derek
Sent: Tuesday, September 12, 2017 9:24 AM
To: Ford, Mark <Ford.Mark@epa.gov>
Cc: Quinones, Edwin <quinones.edwin@epa.gov>; Harrison, Ben <Harrison.Ben@epa.gov>; Peycke, Mark <Peycke.Mark@epa.gov>; Patrick, Dwayne <Patrick.Dwayne@epa.gov>; Ortiz, Diana <Ortiz.Diana@epa.gov>
Subject: Re: Proactive posting records for FOIA requests

Mark,

As you know, we have a very good process in place. The best thing you (R6 RC) can do to support is keep this "help" at bay.

We've done this seven other times since 2005. I think I've figured it out...

The biggest issue no one not intimately involved in field operations never seems to appreciate is that the majority of the information sought will be in contractor deliverables that will not be in our possession for about 6-8 weeks. There is no way to avoid that as such is their agreed upon contractual obligation.

Thanks,

Derek

Sent from my iPhone

On Sep 12, 2017, at 8:48 AM, Ford, Mark <Ford.Mark@epa.gov> wrote:

All,

Before we give FEAT access to our records:

We need to remember that the records sought are Region 6 records and MUST be already in SEMS with DOC IDs before release as well as approved for release by the Division Director prior to release.

We need to make sure that our Region 6 document management/integrity protocol is adhered to while at the same time, we need to be proactively reviewing and releasing.

Thoughts?

Mark Ford

Senior Attorney/ORC

Superfund/FOIA

From: Bermes, Peter

Sent: Monday, September 11, 2017 5:09 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Ford, Mark <Ford.Mark@epa.gov>

Subject: Proactive posting of Hurricane Harvey related records for FOIA requests

Hi Ed/Mark,

I'm not sure the extent to which the FEAT will be involved in responding to Hurricane Harvey related FOIA requests, but at this point OPA and others at headquarters have asked that we assist with getting some records posted to the response webpage proactively. The idea is we post records that will not only be useful to the public and provide transparency, but also records that are being sought or we anticipate will be sought by FOIA requesters so that we might refer requesters to the public site and close requests or provide documents in the interim as we work to respond completely. I've been told that Allison Nowatarski can help coordinate the upload of records to the site when appropriate. You both are friendly faces key to the response effort, and I'm hoping you can help me get in touch with the right people to gather records that may be good candidates for proactive posting. After reviewing the requests we've received so far, any records that fit the categories below would be good candidates provided we can get them scrubbed of privilege concerns and brief the proper folks before posting.

1. Many requests are seeking records related to the Arkema facility. Some are seeking communications between EPA and Arkema. Although we will have to do a more comprehensive search and likely involve e-discovery to fully respond to many of these

requests, if there are key emails or other correspondence between EPA and third parties involved with the facility that we are aware of that could be posted proactively, it would be helpful to post them to the extent appropriate.

2. Similarly, many requests are seeking more traditional records about Arkema such as the Risk Management Plan or any substantive documents concerning the facility. If anything is easily collectable and producible, this is a good category of records for proactive posting.
3. Any other low hanging fruit types of records that would be easy to gather and helpful to the public that are not already being publicly posted elsewhere would be good to get uploaded. Monitoring data related to sites/facilities or records that reflect EPA's response work would help with existing requests.

Almost anything that we can post with minimal effort is helpful. I don't want to interfere with the response work that you and others are doing, but to the extent that there are "easy" records we can identify and upload, I'd like to help with that. I also don't want to duplicate effort that others in the Region may already be taking to respond to FOIA requests, so to the extent that I can be linked in with work that may already be taking place that we may be able to leverage, I'd certainly appreciate it. Mark and I will be a bit out of pocket the next few days at a FOIA conference, but I will be checking my email when I can. Any help you can provide is appreciated, and if you think a brief phone call would be helpful, please let me know and I'll try to find a time that will work. Thank you,

Peter

Peter Bermes

Attorney-Advisor, Office of General Counsel

United States Environmental Protection Agency

NEW PHONE NUMBER: 312-886-6631 | Room R1325